

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-243-E ORDER NO. 2021-117-H

SEPTEMBER 14, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Application of Duke Energy Progress, LLC for Approval of Rider DSM/EE-13, Increasing Residential and Non-Residential Rates

MATTER UNDER CONSIDERATION:

Petition to Intervene of Walmart Inc.

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Walmart Inc. The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

Walmart states that it provides its retail services in the State of South Carolina and that it is a large commercial customer of Duke Energy Progress, LLC ("DEP"). Walmart asserts that it purchases approximately 34.6 million kWh annually, and operates 13 retail stores and facilities, including Walmart Supercenters and a Sam's Club, plus five related facilities. Walmart notes that electricity is one of the largest operating costs faced by it, and, as a result, any modification to DEP's electric rates and terms of service has the potential to substantially impact its operations in South Carolina. Further, Walmart asserts that it is dedicated to its own investment in DSM and EE and is therefore very interested in the substance of this case, and that it has a direct and substantial interest in the outcome of the proceeding. Further, Walmart notes that its interest cannot be represented by any other party.

From these facts, this Hearing Officer holds that Walmart has successfully satisfied the three criteria for intervention stated in the Regulation. Walmart's interest in this matter can clearly be discerned, as can the grounds for the intervention, and the Company's position.

Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of Walmart Inc. is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.